

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

UNITED STATES OF AMERICA

*

v.

* **18-631-TDC-1**

SCOTT WILLIAMS

*

MOTION FOR RELIEF

The Defendant, Scott Williams, through his counsel, respectfully moves this honorable Court to disallow any alleged “Victim Impact Testimony.”

1. The Defendant has a sentencing hearing on 22 August 2023.
2. The Prosecution Sentencing Memorandum gave notice of their intent to call members of the family of Mr. Noah Smothers, a missing person of interest to charges of kidnapping and robbery, which were charged in various indictments in this case and of which all defendants were ultimately acquitted.
3. The Presentencing Investigation Report prepared by the U.S. Probation Office reported, over Prosecution objection, that as a matter of law, Mr. Williams case has no identifiable victims.
4. The prosecution already submitted written Victim Impact Statements to the Court wherein family members disparaged the defendant as an “animal” and implored the Court to influence the immigration procedures pertaining to Mr. Williams to effect his immediate deportation from the United States upon his release from custody.

Analysis

Federal Rule of Criminal Procedure 32, gives the Court broad discretion to conduct the sentencing hearing. Rule 32 does require that an actual identifiable victim be given a “reasonable” opportunity to be heard. The defense maintains as discussed in its’ sentencing memorandum that Mr. Smothers is not a victim. If his disappearance is attributable to an injury he suffered from the subject matter of this case, then there has not been a preponderant showing that it is due to the criminal misbehavior of Mr. Williams.

If the Court does find that Mr. Smothers is a victim, then the defense objects to in person verbal presentation by members of Mr. Smothers family on the grounds that any such presentation would be cumulative to their extensive prior written statements filed in this case. The defense also objects that there is a great likelihood that any testimony will be inflammatory and prejudicial.

The defense has great confidence in the Court’s ability to disregard irrelevant matters, however it sees little merit in members of the public who have no connection to any charge which Mr. Williams was found guilty of, being permitted to spew condemnatory vitriol in the hearing of Mr. Williams friends and family.

WHEREFORE, Defendant respectfully requests that the Court exclude any comments from the Smothers family as irrelevant.

Respectfully submitted,

/Signed/
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